

OCT 23 2012

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 12-90098

**ORDER**

**KOZINSKI**, Chief Judge:

A pro se litigant alleges that a district judge should have recused from complainant's civil case because the judge had ruled against her in a prior civil case. Allegations that a judge erred in failing to recuse are merits-related and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(B). An allegation that a judge presided in a case knowing that he was subject to a conflict of interest may present a viable claim of judicial misconduct, see Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice 146 (2006), but complainant presents no evidence of such a conflict. The allegations are therefore dismissed as groundless. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges the district judge purposefully and wrongfully reassigned the case to himself. An individual "has no right to any particular

procedure for the selection of the judge.” Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). While an individual “is entitled to have that decision made in a manner free from bias or the desire to influence the outcome of the proceedings,” id., complainant offers no evidence that her case was assigned to the subject judge for an impermissible reason. In order to conserve judicial resources, related cases are often assigned to the same judge. This charge is therefore dismissed. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011).

Finally, complainant asks us to strike the district judge’s orders and launch a criminal investigation, but these actions are beyond the scope of judicial misconduct proceedings. See 28 U.S.C. § 354(a)(2).

**DISMISSED.**